

Update: Crime Victim Rights Manual

CHAPTER 3

Overview of the Crime Victim's Rights Act

3.2 Definitions of Terms Used in the CVRA

A. "Assaultive Crime"

1. A conviction or adjudication for some "assaultive crimes" may not be set aside.

Effective October 1, 2002, 2002 PA 483 expanded the list of "assaultive crimes" in MCL 770.9a. The added offenses are:

- F Assault against Family Independence Agency employee causing serious bodily impairment, MCL 750.81c(3).
- F Intentional assaultive conduct against pregnant individual with intent to cause miscarriage or death to embryo or fetus, MCL 750.90a.
- F Intentional assaultive conduct against pregnant individual causing great bodily harm, serious or aggravated injury, or miscarriage or death to embryo or fetus, MCL 750.90b.
- F Attempted murder, MCL 750.91.
- F A violation of MCL 750.200 to 750.212a [governing explosives, bombs, and harmful devices].
- F Stalking, MCL 750.411h.
- F Aggravated stalking, MCL 750.411i.
- F A violation of MCL 750.543a to 750.543z [governing terrorist crimes].

CHAPTER 8

The Crime Victim at Trial

8.4 Adjournments or Continuances

Requests for adjournments and continuances may also be made under MCR 2.503(C), the court rule governing the granting of adjournments on the basis of the unavailability of a witness. In *People v Jackson*, ___ Mich ___ (2002), an armed robbery and felony-firearm case, the Michigan Supreme Court held that the trial court abused its discretion in denying a continuance after a key prosecution witness, who previously had submitted a statement to police and had testified at the preliminary examination, failed to appear on the date set for trial. The Supreme Court found that, contrary to the findings of the trial court and Court of Appeals, the prosecution did not fail to make “diligent efforts,” as required by MCR 2.503(C)(2), to produce the witness: the police had successfully served the subpoena, and the witness had previously cooperated with the police and prosecution. Thus, according to the Court, there was no reason to expect that the witness’s cooperation would not continue. The Court stated that it would “not require the prosecutor to assume that every witness is a flight risk who must be monitored to ensure his attendance at trial.” *Id.* at ____.